

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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LORENZO MORENO,) CASE NO.: 3:15-CV-00176-RCJ-WGC
Plaintiff,)
v.)
JUSTEN, et al.,)
Defendants.)
O R D E R

The Court has considered the Report and Recommendation of United States Magistrate (ECF #3) entered on September 14, 2015, in which the Magistrate Judge recommends the Court defer a decision on the Application to Proceed in *Forma Pauperis* (ECF #1), and direct the Clerk of the Court to file the Complaint (ECF #1-1). The Court has considered the pleadings and memoranda of the parties and other relevant matters of record and has made a review and determination in accordance with the requirements of 28 U.S.C. § 636 and applicable case law, and good cause appearing, the court hereby

ADOPTS AND ACCEPTS the Report and Recommendation of the United States Magistrate Judge (ECF #3).

IT IS HEREBY ORDERED that Plaintiff's Application to Proceed *in Forma Pauperis* (ECF #1) is DEFERRED.

IT IS FURTHER ORDERED that the Clerk of the Court shall file the Complaint (ECF #1-1)

IT IS FURTHER ORDERED that Count I is DISMISSED as duplicative of the excessive force claim being asserted in 3:14-CV-00533-RCI-VPC.

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1 IT FURTHER ORDERED that Counts II and II are DISMISSED with leave to amend.

2 IT IS FURTHER ORDERED that the Clerk of the Court shall send Plaintiff the approved
3 form for filing a complaint under 42 U.S.C. § 1983, instructions for the same, and a copy of his original
4 complaint (ECF #1-1).

5 IT IS FURTHER ORDERED that the First Amended Civil Rights Complaint shall be filed
6 within 30 days of entry of this order. Failure to amend the complaint curing the deficiencies outlined
7 in the Report and Recommendation (ECF #3), will result in dismissal without prejudice.

8 IT IS SO ORDERED this 5th day of January, 2016.

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10 ROBERT C. JONES
11 UNITED STATES DISTRICT JUDGE
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